

**ASSEMBLY BILL**

**No. 1721**

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**Introduced by Assembly Member Donnelly**

February 16, 2012

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An act to add Section 39602.8 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as introduced, Donnelly. Air pollution: violations.

(1) Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law grants to air pollution control and air quality management districts the primary authority for the control of air pollution from all sources other than vehicular sources. Existing law subjects violators of air pollution laws to specified civil and criminal penalties.

This bill would require the state board and all air pollution control and air quality management districts to issue a warning for the first violation of any state air pollution control law. By adding to the duties of air pollution control and air quality management districts, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 39602.8 is added to the Health and Safety  
2     Code, to read:  
3     39602.8. Notwithstanding any other law, the state board and  
4     all districts shall only issue a warning for the first violation of any  
5     state air pollution control law.  
6     SEC. 2. If the Commission on State Mandates determines that  
7     this act contains costs mandated by the state, reimbursement to  
8     local agencies and school districts for those costs shall be made  
9     pursuant to Part 7 (commencing with Section 17500) of Division  
10    4 of Title 2 of the Government Code.

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